UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,141	08/25/2003	Toni Maki	60282.00091	1046

32294   7590   12/03/2008
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
MOORE, IAN N

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
12/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/647,141	MAKI ET AL.
	Examiner	Art Unit	
	IAN N. MOORE	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-13 and 15-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-13 and 15-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *8/25/03* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/30/08*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 11-2-2007 have been fully considered but they are not

persuasive.

Regarding claims 1, 3-13 and 15-28, the applicant argued that, "…3GPP does not

teach or suggest *identifying a packet of a session to be intercepted based on media component*

information comprising a multimedia level session identification and a control level media

component identification associated to the multimedia level session identification…the

references are not from the same filed of endeavor…Oyama only describes that media

components merely exist, but does not provide any information regarding how media

components could be used for lawful interception..." in pages 8-16.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above.

3GPP TS 33.107 discloses intercepting sessions (**see FIG. 1,2,18, 20, Lawful**

Interception system processing the functions steps/method), comprising the steps of:

identifying (**see FIG. 18, 20, selection/identification mechanism in GSN node**) a packet of a

session to be intercepted based on media component information of the session (**section 5, 5.1.1,**

5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's

communication session to be intercepted according to means-for-communication/media

IMSI, MSISDN or IMEI information of the communication session); and if the packet to be

intercepted is identified, providing duplicated packets of the session to an interception

management element (**see FIG. 18, 20, GSN delivering duplicates packets of the subscriber's**

communication session to LEA when a target packet to be intercept is identified; see

section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Oyama discloses the media component information comprising a multimedia level

session identification (**see page 6, paragraph 72; see page 7, paragraph 75; see page 9,**

paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; IP base

multimedia section identifier) and a control level media component identification associated to

the multimedia level session identification (**see page 6, paragraph 72; see page 12, paragraph**

145; flow identifier related to section identifier).

Thus, it is clear the combined system of 3GPP TS 33.107 and Oyama clearly discloses

the claimed invention.

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the rejection is based

on the combined system, not individual, thus it is clear that applicant argument is an error since

the applicant attaching individual references rather than the combination.

In response to argument on Oyama, Oyama is not required to disclose "could be used

for lawful interception" since it has being disclosed by the 3GPP TS 33.107 and the rejection is

based on the combined system of 3GPP TS 33.107 and Oyama for the reasons set forth above.

In response to applicant's argument that references are not from the same filed of

endeavor, it has been held that a prior art reference must either be in the field of applicant's

endeavor or, if not, then be reasonably pertinent to the particular problem with which the

applicant was concerned, in order to be relied upon as a basis for rejection of the claimed

invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case,

both 3GPP TS 33.107 and Oyama are in the field of **mobile** communication (see 3GPP TS

33.107's title third generation (3G) mobile and see Oyama's page 1, paragraph 5, 8 for UMTS

utilized in 3G). Thus, it is clear that applicant argument is an error since both reference are

relevant.

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a multimedia level session identification and a control level

media component identification associated to the multimedia level session identification", as

taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service

to end users and enforce policy; see Oyama page 5, paragraph 63-64.

In response to argument to identifiers, first applicant broadly claimed invention does

not any specific "type" of media component information. Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See *In

re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, examiner asserts, *inter alia*, applicant's broadly claimed limitation "media

component information" as "means-for-communication/media IMSI, MSISDN or IMEI

information" as set forth above. A target packet of a subscriber's communication session is

identified <u>according to</u> or <u>based on</u> "means-for-communication/media IMSI, MSISDN or IMEI

information" of the packet. Otherwise, one will not know which subscriber's communication

session or which target packet to be intercepted. **<u>Thus, it is very clear that examiner assertion</u>**

<u>to applicant's broadly claimed limitation is proper since the claim invention is clearly</u>

<u>anticipated well established prior art 3GPP standard.</u>

Moreover, the applicant broad claimed invention recited in claims **1, 3-13 and 15-28**, are

clearly disclosed in the combination of 3GPP standards. Even applicant admits this fact in the

published specification paragraphs as follows:

[0042] There are two kinds of information elements by which a media component may be
uniquely identified: IMS level session identification and media component identification
associated with the former. That is, **the media component information described above may
include the IMS level session identification and the associated media component
identification. An information element used to identify the IMS level session (i.e., which
can be used as the IMS level session identification) can be a so-called Authorization Token,
as defined in <u>3GPP TS 29.207 V5.2.0 and TS 24.008 V5.6.0</u>, for example, or ICID (IMS
Charging Identifier**), as defined <u>in 3GPP TS 32.225 V5.2.</u>0. The ICID is generated by the IMS
node for **a SIP session**, and the value thereof is globally unique across all 3GPP IMS networks
for a time period of at least one month, implying that neither the node that generated this ICID
nor any other IMS node reuse this value before the uniqueness period expires. Hence, it can be
used to reliably identify a particular multimedia component. According to this example, the
Authorization Token is used.
[0043] The media component identification as described above is associated to the IMS
level session identification and uniquely identifies the media component within the session
identified by the IMS level session identification. **A flow identifier is defined in 3GPP TS
29.207 V5.2.0 (Annex C), for example, and is generally used for the identification of an IP
flow within a media component associated with a SIP session. The flow identifier includes
the format of <Media component no, IP flow no >.** According to this example, this flow
identifier is used as a media component identification in interception activation. This type of
media component identification is a control level identification and is referred to as control level
media component identification in the following.

[0046] **The user level media component information can be referred to as network layer and/or transport layer information in user data. In provision of communication content, a media component may be identified by such network layer and/or transport layer information in user data. The network layer-only identification information includes flow label field of IPv6 header (as defined in <u>IETF RFC 2460,</u> for example).** The combined network layer and transport layer information is a combination of source address, destination address and protocol fields of IP header and source port and destination port fields of UDP (User Datagram Protocol) or TCP (Transmission Control Protocol) header **(as defined in IETF <u>RFC 768, RFC 793,</u> respectively).**

[0055] In general, the flow identifiers are specified by the SDP (Session Description Protocol) descriptions that UE 31 receives in INVITE, 183 Session Progress and PRACK messages. **In which messages the UE 31 receives SDP descriptions depends on the role of the UE 31 in session establishment (<u>3GPP TS 24.228 V5.3.0, for example</u>). All of the SIP messages are transferred in the user plane of the GPRS.**

[0057] After the session originating UE and a session terminating UE (i.e., the called user identity) have agreed on media components, they perform resource reservation in GPRS. This is performed in messages M5 to M11. **The authorization token and flow identifiers are passed from the UE to the GGSN 33 via SGSN 32 in GPRS control plane message Activate PDP Context Request (M5) and Create PDP Context Request (M6). Besides, it is noted that an Information element in Create PDP Context Request that carries authorization token and flow identifiers is TFT (Traffic Flow Template, as defined in <u>3GPP TS 29.060 V5.5.0 and TS 24.008 V5.6.0,</u> for example).**

(Emphasis added)

Thus, in view of the applicant own admission set forth above, it is clear that the claimed

invention is clearly disclosed by prior arts and well known standards such as 3GPP TS 29.207

V5.2.0 and TS 24.008 V5.6.0. , 3GPP TS 24.228 V5.3.0, 3GPP TS 29.060 V5.5.0 and TS 24.008

V5.6.0, IETF RFC 2460, RFC 768, RFC 793, and 3GPP TS 32.225 V5.2.0.

Drawings

2.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every

feature of the invention specified in the claims. Therefore, **"a transmitter"** recited in amended

claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 1 and 3-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites, "a **method**, comprising:

Identifiying a packet of a session …

providing duplicated packets … .

Claim 1 is rejected under 35 U.S.C. 101 because they do not fall within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a manufacture or machine), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (*Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"*).

The instant claim neither transform underlying subject matter nor recite structure associated with another statutory category, and therefore do not define a statutory process.

The claim elements "**Identifying** a packet of a session and **providing** duplicated packets".

1) do not tied to another statutory class (such as a particular apparatus) by identifying the apparatus that accomplishes the method steps

2) not structure required by the claim, or positively recited in the body of the claim in association with a step significant to the inventive concept.

A claim reciting an adequate structural tie must positively recite the structure of another statutory category in association with a step significant to the inventive concept. The following are examples of structural recitations that do not constitute adequate structural ties per se: (1) Structure recited in a preamble alone, (2) structure in a phrase expressing intended use or

purpose, and (3) structure in a step insignificant to the inventive concept, such as nominal pre or

post solution activity.

Claims 3-12 are also objected since they are depended upon rejected claim 1 as set forth

above.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

6.   New claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention.

New claim 28 recites, **"a computer program embodied on a computer readable**

medium configured to control a processor to perform…" in lines 1-2.

Nowhere in the applicant original disclosure recites the above **bolded** limitation. In

particular, the specification fails to discloses *where a computer readable medium is located,*

what consists of computer readable medium, where is a processor, how does a processor interact

with a computer readable and a computer program. Also, it also clear to one skilled in the

relevant art that one cannot possibly , by merely disclosing GPRS Gateway Node (GGSN),

CSCF, ADMF, and GPRS Support Node (SGSN) systems do not make the specification enable

for this new added claimed invention since one skilled in the relevant art would not know where

a computer readable medium is located, what consists of computer readable medium, where is

the a processor, how does a processor interact with a computer readable and a computer

program, unless enabling written disclosure recited in the speciation. Since there is no enabling

original disclosure in the specification, it is clear the applicant does not have this newly added

claimed invention at the time of the application was filed.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8.   Claims 1, 3, 5-7, 13, 15, 17-19 and 27 are rejected under 35 U.S.C. 102(a) as being

anticipated by 3GPP TSG-SA WGS LI meeting (herein after refers to as TSG-SA WG3 LI).

Regarding Claim 1, TSG-SA WG3 LI discloses a method for intercepting sessions,

comprising the steps of:

identifying a packet of a session to be intercepted based on media component

information of the session (see FIG. 1, SGSN/GGSN identifies a packet to be intercept based in

media stream information; see section A, B, B.1, B.2, B.3);

the media component information comprising a multimedia level session identification

and a control level media component identification associated to the multimedia level session

identification (see section B.1, B.2, the media component information comprising flow

identifiers according to standard 3GPP TS 29.207 where per standard definition flow identifiers

are defined as media IP flow/session number/identifications (i.e. a multimedia level session

identification) and media component number/identification of IP flow/session

number/identification) and,

if the packet to be intercepted is identified, providing duplicated packets of the session to

an interception management element (see FIG. 1, 2, when the media packet is to be intercepted,

copied/duplicated packets is send to the LEA (i.e. LEMF); see section A, B, B.1, B.2, B.3).

Regarding Claims 13 and 27, TSG-SA WG3 LI discloses an apparatus (see FIG. 1, 2,

SGSN/GGSN) comprising:

an identifier (see FIG. 1, media flow identifier according to standard 3GPP TS 29.207)

identifying a packet of a session to be intercepted based on media component information of the

session (see FIG. 1, SGSN/GGSN identifies a packet to be intercept based in media stream

information; see section A, B, B.1, B.2, B.3);

the media component information comprising a multimedia level session identification

and a control level media component identification associated to the multimedia level session

identification (see section B.1, B.2, the media component information comprising flow

identifiers according to standard 3GPP TS 29.207 where per standard definition flow identifiers

are defined as media IP flow/session number/identifications (i.e. a multimedia level session

identification) and media component number/identification of IP flow/session

number/identification) and,

a transmitter (see FIG. 1, 2, transmitter of SGSN/GGSN) configured to provide

duplicated packets of the session to an interception management element if the packet to be

intercepted is identified (see FIG. 1, 2, when the media packet is to be intercepted,

copied/duplicated packets is send to the LEA (i.e. LEMF); see section A, B, B.1, B.2, B.3).

Regarding Claims 3 and 15, TSG-SA WG3 LI discloses identifying the packet to be

intercepted based on the multimedia level session identification comprising an authorization

token (see section B.1. identifying/selecting packet to intercepted is according multimedia level

flow/session number/ID media authorization token).

Regarding Claim 5 and 17, TSG-SA WG3 LI discloses identifying the packet to be

intercepted based on the control level media component identification comprising a flow

identifier (section B.1, flow identifier).

Regarding Claims 6 and 18, TSG-SA WG3 LI discloses wherein the identifying step

comprises identifying the packet to be intercepted based on the media component information

comprising user level media component information (see section A, B, B.1, B.2, B.3; media

component number/identification of IP flow/session number/identification is associated with a

user, thus user level flow/session component number/identification).

Regarding Claims 7 and 19, TSG-SA WG3 LI discloses activating the interception,

which is performed before the identifying step and in which the media component information

are obtained from a session initiating procedure in which a target to be intercepted is

participating (see FIG. 1, see sections A, B, B.1, B.2, B.3; initiation/activation is performed,

before actual intercepting, on media component information/number from a SIP signaling in

which specific/target packet belongs).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   Claims 1, 3-10, 13, 15-22, and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over 3GPP TS 33.107 (3GPP 3G security, Lawful Interception Architecture and

Function Standard) in view of 3GPP TS 29.207 (3GPP Policy control over Go interface V5.2.0,

hereinafter refers to as 3GPP TS 29.207).

Regarding Claim 1, 3GPP TS 33.107 discloses a method for intercepting sessions (see

FIG. 1,2,18, 20, Lawful Interception system processing the functions steps/method), comprising

the steps of:

identifying (see FIG. 18, 20, selection/identification mechanism in GSN node) a packet

of a session to be intercepted based on media component information of the session (section 5,

5.1.1, 5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's

communication session to be intercepted according to means-for-communication/media IMSI,

MSISDN or IMEI information of the communication session); and

if the packet to be intercepted is identified, providing duplicated packets of the session to

an interception management element (see FIG. 18, 20, GSN delivering duplicates packets of the

subscriber's communication session to LEA when a target packet to be intercept is identified; see

section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Although 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the

media component information as set forth above,

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification

and a control level media component identification associated to the multimedia level session

identification".

However, 3GPP TS 29.207 discloses the media component information comprising a

multimedia level session identification (see section 3.1; annex C; IP multimedia flow/session

number/identifier) and a control level media component identification associated to the

multimedia level session identification (see section 3.1, 4.1; annex C; media component

number/identifier associated with IP multimedia flow/session).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a multimedia level session identification and a control level

media component identification associated to the multimedia level session identification", as

taught by 3GPP TS 29.207 in the system of 3GPP TS 33.107, so that it would allow service-

based local policy information to pushed to policy enforcement point; see 3GPP TS 29.207

section 4.1.

     Regarding Claims 13 and 27, 3GPP TS 33.107 discloses an apparatus (see FIG. 18, 20,

3G GSN node; see section 4; section 5, 5.1.1, 5.1.2, 5.1.3; section 7, 7.2, 7.3, 7.3.1) comprising:

     an identifier is configured to identify a packet of a session to be intercepted based on

media component information of the session (section 5, 5.1.1, 5.1.2, 5.1.3, 7; IMSI, MSISDN or

IMEI (i.e. identifier) which enables GSN to select/identifies the identities of a target packet of a

subscriber's communication session to be intercepted according to means-for-

communication/media IMSI, MSISDN or IMEI information of the communication session), and

     a transmitter (see FIG. 20, a transmitter of 3G GSN) configured to provide duplicated

packets of the session to an interception management element if the packet to be intercepted is

identified (see FIG. 18, delivering duplicates packets of the subscriber's communication session

to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

     Although 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the

media component information as set forth above,

     3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification

and a control level media component identification associated to the multimedia level session

identification".

     However, 3GPP TS 29.207 discloses the media component information comprising a

multimedia level session identification (see section 3.1; annex C; IP multimedia flow/session

number/identifier) and a control level media component identification associated to the

multimedia level session identification (see section 3.1, 4.1; annex C; media component number/identifier associated with IP multimedia flow/session).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a multimedia level session identification and a control level media component identification associated to the multimedia level session identification", as taught by 3GPP TS 29.207 in the system of 3GPP TS 33.107, so that it would allow service-based local policy information to pushed to policy enforcement point; see 3GPP TS 29.207 section 4.1.

Regarding Claims 3 and 15, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information as set forth above in claim above.

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification comprising an authorization token".

However, 3GPP TS 29.207 discloses the media component information comprising a multimedia level session identification comprising an authorization token (see section 4.1, page 95; authorization token).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a multimedia level session identification comprising an authorization token", as taught by 3GPP TS 29.207 in the system of 3GPP TS 33.107, so that it would allow service-based local policy information to pushed to policy enforcement point; see 3GPP TS 29.207 section 4.1.

Regarding Claims 4 and 16, 3GPP TS 33.107 discloses wherein the identifying step

comprises identifying the packet to be intercepted based on the media component information as

set forth above in claim above.

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification

comprising a multimedia charging identifier".

However, 3GPP TS 29.207 discloses the media component information comprising a

multimedia level session identification comprising charging identifier (see section 3.1, 4.1; page

45, 52; multimedia charging ID).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a multimedia level session identification comprising an

authorization token", as taught by 3GPP TS 29.207 in the system of 3GPP TS 33.107, so that it

would allow service-based local policy information to pushed to policy enforcement point; see

3GPP TS 29.207 section 4.1.

Regarding Claims 5 and 17, 3GPP TS 33.107 discloses wherein the identifying step

comprises identifying the packet to be intercepted based on a control level media component

identification as set forth above in claim.

3GPP TS 33.107 does not explicitly disclose "a control level media component

identification comprising a flow identifier".

However, 3GPP TS 29.207 a control level media component identification comprising a

flow identifier (see section 3.1, 4.1; annex C; flow identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a control level media component identification comprising a

flow identifier", as taught by 3GPP TS 29.207 in the system of 3GPP TS 33.107, so that it would allow service-based local policy information to pushed to policy enforcement point; see 3GPP TS 29.207 section 4.1.

Regarding Claims 6 and 18, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information comprising user level media component information (section 5, 5.1.1, 5.1.2, 5.1.3, 7; IMSI (International Mobile Subscriber Identify), MSISDN (Mobile Station Integrated Service Digital Network), or IMEI (International Mobile Equipment Identity) are user level identification of means-for-communication/media information). 3GPP TS 29.207 also discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information comprising user level media component information (see section 3.1, 3.2, 4.3.1.1, 4.3.1.3; media component number/identification of IP flow/session number/identification at the user plane level, thus user level flow/session component number/identification).

Regarding Claims 7 and 19, 3GPP TS 33.107 discloses activating the interception (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; activation the interception), which is performed before the identifying step and in which the media component information are obtained from a procedure in which a target to be intercepted is participating (see FIG. 20-21, Intercepted subscriber; see section 5,5.1,5.1.1,5.1.2,5.1.3; section 7,7.27.3,7.3.2, 7.4.1-7.4.4; activation the intercepting is occurred before GSN selecting step and in which the means-for-communication/media IMSI, MSISDN or IMEI information are received/obtained from PDP context activation/MS-attached event/procedure in which an intercepted subscriber is involving).

3GPP TS 33.107 does not explicitly disclose "session initiating".

However, utilizing session initiation procedure (SIP) in wireless communication is so well known in the art. In particular, 3GPP TS 29.207 teaches activating the interception, which is performed before the identifying step and in which the media component information are obtained from a session initiating procedure in which a target to be intercepted is participating (see FIG. 4-2, activation the intercepting is performed before GPRS identification step and in which multimedia information in the packet are received from Session Initiating procedure (SIP) signaling in which a participating terminal is involved; see sections 3.1,4.1, 4.3, 5.1, 5.2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "session initiating" of SIP, as taught by 3GPP TS 29.207 in the system of 3GPP TS 33.107, so that it would allow service-based local policy information to pushed to policy enforcement point; see 3GPP TS 29.207 section 4.1.

Regarding Claims 8 and 20, 3GPP TS 33.107 discloses wherein the activating step comprises obtaining the media component information from user plane data (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media information from target user's IMSI, MSISDN or IMEI data). Also, 3GPP TS 29.207 discloses obtaining the media component information from user plane data (see section 3.1, 3.2, 4.3, 5.1, 5.3; multimedia information are received from the SIP data, where user plane data are transmitted in SIP procedure).

Regarding Claims 9 and 21, 3GPP TS 33.107 discloses wherein the activating step comprises obtaining the media component information from session establishing messages (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media

information from PDP context activation messages). 3GPP TS 29.207 also discloses obtaining

the media component information from session establishing messages (see section 3.1, 4.3, 5.1.1,

5.2; multimedia information are received from SIP signaling message used to establish the

session).

Regarding Claims 10 and 22, 3GPP TS 33.107 selecting specific data packet with

specific identity is to be intercepted as set forth in claim above and thus it is clear there are other

data packets that are not selected to be intercepted.

3GPP TS 33.107 does not explicitly disclose "filter out".

However, obviously filtered-out packets are the packets, which are not selected to be

intercepted. In particular, 3GPP TS 29.207 teaches filtering out data not to be intercepted (see

section 4.3.1.3, 4.3.2.1, 5.1.1, 6.3.1.4, 6.3.2, filtering out the packet so that they are not

intercepted).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to "filter out" by not intercepting, as taught by Eidenschink'966 in the

combined system of 3GPP TS 33.107 and 3GPP TS 29.207, so that it would allow service-based

local policy information to pushed to policy enforcement point; see 3GPP TS 29.207 section 4.1.

Original Rejection

11.   Claims 1, 3-6, 13, 15-18, 27 and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over 3GPP TS 33.107 (3GPP 3G security, Lawful Interception Architecture and

Function Standard) in view of Oyama (US 2002/0068454).

Regarding Claim 1, 3GPP TS 33.107 discloses a method for intercepting sessions (see

FIG. 1,2,18, 20, Lawful Interception system processing the functions steps/method), comprising

the steps of:

identifying (see FIG. 18, 20, selection/identification mechanism in GSN node) a packet

of a session to be intercepted based on media component information of the session (section 5,

5.1.1, 5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's

communication session to be intercepted according to means-for-communication/media IMSI,

MSISDN or IMEI information of the communication session); and

if the packet to be intercepted is identified, providing duplicated packets of the session to

an interception management element (see FIG. 18, 20, GSN delivering duplicates packets of the

subscriber's communication session to LEA when a target packet to be intercept is identified; see

section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Although 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the

media component information as set forth above,

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification

and a control level media component identification associated to the multimedia level session

identification".

However, Oyama discloses the media component information comprising a multimedia

level session identification (see page 6, paragraph 72; see page 7, paragraph 75; see page 9,

paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; IP base

multimedia section identifier) and a control level media component identification associated to

the multimedia level session identification (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a multimedia level session identification and a control level media component identification associated to the multimedia level session identification", as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 3, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information as set forth in claims above.

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification comprising an authorization token".

However, Oyama discloses the media component information comprising a multimedia level session identification comprising an authorization token (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; a token used for authorization/identification).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a multimedia level session identification comprising an authorization token", as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 4, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information as set forth above in claim above.

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification comprising a multimedia charging identifier".

However, Oyama discloses the media component information comprising a multimedia level session identification comprising charging identifier (see page 7, paragraph 75-79; see page 9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12, paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a multimedia level session identification comprising an authorization token", as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 5, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on a control level media component identification as set forth above in claim.

3GPP TS 33.107 does not explicitly disclose "a control level media component identification comprising a flow identifier".

However, Oyama a control level media component identification comprising a flow identifier (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a control level media component identification comprising a

flow identifier", as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide

multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 6, 3GPP TS 33.107 discloses wherein the identifying step comprises

identifying the packet to be intercepted based on the media component information comprising

user level media component information (section 5,5.1.1,5.1.2,5.1.3, 7; IMSI (International

Mobile Subscriber Identify), MSISDN (Mobile Station Integrated Service Digital Network), or

IMEI (International Mobile Equipment Identity) are user level identification of means-for-

communication/media information).

Regarding Claim 13, 3GPP TS 33.107 discloses an apparatus (see FIG. 18, 20, 3G GSN

node; see section 4; section 5, 5.1.1, 5.1.2, 5.1.3; section 7, 7.2, 7.3, 7.3.1) comprising:

an identifier is configured to identify a packet of a session to be intercepted based on

media component information of the session (section 5, 5.1.1, 5.1.2, 5.1.3, 7; IMSI, MSISDN or

IMEI (i.e. identifier) which enables GSN to select/identifies the identities of a target packet of a

subscriber's communication session to be intercepted according to means-for-

communication/media IMSI, MSISDN or IMEI information of the communication session), and

a transmitter (see FIG. 20, a transmitter of 3G GSN) configured to provide duplicated

packets of the session to an interception management element if the packet to be intercepted is

identified (see FIG. 18, delivering duplicates packets of the subscriber's communication session

to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Although 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the media component information as set forth above,

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification and a control level media component identification associated to the multimedia level session identification".

However, Oyama discloses the media component information comprising a multimedia level session identification (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; IP base multimedia section identifier) and a control level media component identification associated to the multimedia level session identification (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a multimedia level session identification and a control level media component identification associated to the multimedia level session identification", as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 15, 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the media component information as set forth above in claim 13.

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification comprising an authorization token".

However, Oyama discloses the media component information comprising a multimedia level session identification comprising an authorization token (see page 6, paragraph 72; see

page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page

12, paragraph 145; a token used for authorization/identification).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a multimedia level session identification comprising an

authorization token", as taught by Oyama in the system of 3GPP TS 33.107, so that it would

provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 16, 3GPP TS 33.107 discloses identifying the packet to be intercepted

based on the media component information as set forth above in claim 13.

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification

comprising a multimedia charging identifier".

However, Oyama discloses the media component information comprising a multimedia

level session identification comprising charging identifier (see page 7, paragraph 75-79; see page

9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12,

paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a multimedia level session identification comprising an

authorization token", as taught by Oyama in the system of 3GPP TS 33.107, so that it would

provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 17, 3GPP TS 33.107 discloses identifying the packet to be intercepted

based on a control level media component identification as set forth above in claim 1.

3GPP TS 33.107 does not explicitly disclose "a control level media component

identification comprising a flow identifier".

However, Oyama a control level media component identification comprising a flow

identifier (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section

identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a control level media component identification comprising a

flow identifier", as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide

multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 18, 3GPP TS 33.107 discloses wherein the media component

information comprising user level media component information (section 5,5.1.1,5.1.2,5.1.3, 7;

IMSI (International Mobile Subscriber Identify), MSISDN (Mobile Station Integrated Service

Digital Network), or IMEI (International Mobile Equipment Identity) are user level identification

of means-for-communication/media information).

Regarding Claim 27, 3GPP TS 33.107 discloses an apparatus (see FIG. 18, 20, 3G GSN

node; see section 4; section 5, 5.1.1, 5.1.2, 5.1.3; section 7, 7.2, 7.3, 7.3.1), comprising:

identification means (see FIG. 18, 20, selection/identification mechanism in GSN node)

for identifying a packet of a session to be intercepted based on media component information of

the session (section 5, 5.1.1, 5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target

packet of a subscriber's communication session to be intercepted according to means-for-

communication/media IMSI, MSISDN or IMEI information of the communication session); and

providing means (see FIG. 18, 20, delivering mechanism in GSN node), if the packet to

be intercepted is identified, providing duplicated packets of the session to an interception

management element (see FIG. 18, delivering duplicates packets of the subscriber's

communication session to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification and a control level media component identification associated to the multimedia level session identification".

However, Oyama discloses the media component information comprising a multimedia level session identification (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; IP base multimedia section identifier) and a control level media component identification associated to the multimedia level session identification (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a multimedia level session identification and a control level media component identification associated to the multimedia level session identification", as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 28, 3GPP TS 33.107 discloses a computer program/method configured (see FIG. 1,2,18, 20, Lawful Interception system processing the functions steps/method to perform), to perform:

identifying (see FIG. 18, 20, selection/identification mechanism in GSN node) a packet of a session to be intercepted based on media component information of the session (section 5, 5.1.1, 5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's

communication session to be intercepted according to means-for-communication/media IMSI,

MSISDN or IMEI information of the communication session); and

if the packet to be intercepted is identified, providing duplicated packets of the session to

an interception management element (see FIG. 18, 20, GSN delivering duplicates packets of the

subscriber's communication session to LEA when a target packet to be intercept is identified; see

section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Although 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the

media component information as set forth above,

3GPP TS 33.107 does not explicitly disclose "a multimedia level session identification

and a control level media component identification associated to the multimedia level session

identification".

However, Oyama discloses a computer program embodied on a computer readable

medium (see page 5, paragraph 58, 59, 64; methods/program stored on database) configured to

control a processor to perform (see page 8, paragraph 110; to control a digital signal processor to

perform the method): the media component information comprising a multimedia level session

identification (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-

119; see page 11, paragraph 131,132; see page 12, paragraph 145; IP base multimedia section

identifier) and a control level media component identification associated to the multimedia level

session identification (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier

related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "a multimedia level session identification and a control level

media component identification associated to the multimedia level session identification", as

taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service

to end users and enforce policy; see Oyama page 5, paragraph 63-64.

12.   Claims 7-9 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

3GPP TS 33.107 in view of Oyama and further in view of Laiho (US 20060264200A1).

       Regarding Claim 7, 3GPP TS 33.107 discloses activating the interception (see section

5.1, 5.1.1-5.1.3; see section 7.3.2; activation the interception), which is performed before the

identifying step and in which the media component information are obtained from a procedure in

which a target to be intercepted is participating (see FIG. 20-21, Intercepted subscriber; see

section 5,5.1,5.1.1,5.1.2,5.1.3; section 7,7.27.3,7.3.2, 7.4.1-7.4.4; activation the intercepting is

occurred before GSN selecting step and in which the means-for-communication/media IMSI,

MSISDN or IMEI information are received/obtained from PDP context activation/MS-attached

event/procedure in which an intercepted subscriber is involving).

       Neither 3GPP TS 33.107 nor Oyama explicitly disclose "session initiating".

       However, utilizing session initiation procedure (SIP) in wireless communication is so

well known in the art. In particular, Laiho teaches activating the interception, which is performed

before the identifying step and in which the media component information are obtained from a

session initiating procedure in which a target to be intercepted is participating (see FIG. 6,

activation the intercepting is performed before GPRS identification step and in which multimedia

information in the packet are received from Session Initiating procedure (SIP) in which a

participating terminal is involved; see page 3, paragraph 48-49.; see page 4, paragraph 51-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "session initiating" of SIP, as taught by Laiho in the

combined system of 3GPP TS 33.107 and Oyama, so that it would provide enhance monitoring

equipment that monitored and communicates multimedia calls; see Laiho page 1, paragraph 7-

15.

Regarding Claim 8, 3GPP TS 33.107 discloses wherein the activating step comprises

obtaining the media component information from user plane data (see section 5.1, 5.1.1-5.1.3;

see section 7.3.2; receiving/obtaining means-for-communication/media information from target

user's IMSI, MSISDN or IMEI data). Also, Laiho discloses obtaining the media component

information from user plane data (see page 3, paragraph 48-49; see page 4, paragraph 51-67;

multimedia information are received from the SIP data, where user plane data are transmitted in

SIP procedure).

Regarding Claim 9, 3GPP TS 33.107 discloses wherein the activating step comprises

obtaining the media component information from session establishing messages (see section 5.1,

5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media information

from PDP context activation messages). Laiho also discloses obtaining the media component

information from session establishing messages (see page 3, paragraph 46-49; see page 4,

paragraph 51-67; multimedia information are received from SIP signaling message used to

established the session).

Regarding Claim 19, 3GPP TS 33.107 discloses an intercepting activation element

which is configured to activate the interceptiong (see section 5.1, 5.1.1-5.1.3; see section 7.3.2;

FIG. 3,4,18, 20, activation the interception means GSN node), wherein the media component

information are obtained from a procedure in which a target to be intercepted is participating (see

FIG. 20-21, Intercepted subscriber; see section 5,5.1,5.1.1,5.1.2,5.1.3; section 7,7.27.3,7.3.2,

7.4.1-7.4.4; activation the intercepting is occurred before GSN selecting step and in which the

means-for-communication/media IMSI, MSISDN or IMEI information are received/obtained

from PDP context activation/MS-attached event/procedure in which an intercepted subscriber is

involving).

Neither 3GPP TS 33.107 nor Oyama explicitly disclose "session initiating".

However, utilizing session initiation procedure (SIP) in wireless communication is so

well known in the art. In particular, Laiho teaches an interception activation element which is

configured to activate the interception, wherein the media component information are obtained

from a session initiating procedure in which a target to be intercepted is participating (see FIG. 6,

activation the intercepting means activates the interception and multimedia information in the

packet are received from Session Initiating procedure (SIP) in which a participating terminal is

involved; see page 3, paragraph 48-49; see page 4, paragraph 51-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "session initiating", as taught by Laiho in the combined

system of 3GPP TS 33.107 and Oyama, so that it would provide enhance monitoring equipment

that monitored and communicates multimedia calls; see Laiho page 1, paragraph 7-15.

Regarding Claim 20, 3GPP TS 33.107 discloses wherein the activating element is

configured to obtain the media component information from user plane data (see section 5.1,

5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media information

from target user's IMSI, MSISDN or IMEI data). Laiho also discloses the activation element is

configured to obtain the media component information from user plane data (see page 3,

paragraph 48-49; see page 4, paragraph 51-67; multimedia information are received from the SIP

data, where user plane data are transmitted in SIP procedure).

     Regarding Claim 21, 3GPP TS 33.107 discloses wherein the activating element is

configured to obtain the media component information from session establishing messages (see

section 5.1, 5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media

information from PDP context activation messages). Laiho also discloses the activating element

is configured to obtain the media component information from session establishing messages

(see page 3, paragraph 46-49; see page 4, paragraph 51-67; multimedia information are received

from SIP signaling message used to established the session).

13.   Claims 10-12 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

3GPP TS 33.107 in view of Oyama and further in view of Temoshenko (US007046663B1).

     Regarding Claim 10, the combined system of 3GPP TS 33.107 and Oyama discloses

selecting specific data packet with specific identity is to be intercepted as set forth above in claim

1, and thus it is clear there are other data packets that are not selected to be intercepted.

     Neither 3GPP TS 33.107 nor Oyama explicitly disclose "filter out".

     However, obviously filtered-out packets are the packets, which are not selected to be

intercepted. In particular, Temoshenko teaches filtering out data not to be intercepted (see FIG.

4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line

15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to "filter out" by not intercepting, as taught by Temoshenko in the combined system of 3GPP TS 33.107 and Oyama, so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 11, the combined system of 3GPP TS 33.107 and Oyama discloses selecting specific media component in the packet with specific identity in a specific communication section is to be intercepted as set forth above in claim 1 and 13, and thus it is clear there are other media component in other packets in not belong to the same communication sessions (i.e. belongs to different session) are not selected to be intercepted.

Neither 3GPP TS 33.107 nor Oyama explicitly disclose "filtering out data not to be intercepted".

However, as set forth above filtered-out packets are obviously the packets that are not selected to be intercepted. In particular, Temoshenko teaches filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to "filter out by not intercepting", as taught by Temoshenko in the combined system of 3GPP TS 33.107 and Oyama so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 12, the combined system of 3GPP TS 33.107 and Temoshenko discloses wherein the providing step comprises performing the filtering based on media component as set forth above in claim 10.

Neither 3GPP TS 33.107 nor Temoshenko explicitly disclose "identification or charging identifiers".

However, Oyama discloses media component identification or charging identifiers (see page 7, paragraph 75-79; see page 9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12, paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a charging identifier", as taught by Oyama, in the combined system of 3GPP TS 33.107 and Temoshenko, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 22, the combined system of 3GPP TS 33.107 and Oyama discloses selecting specific data packet with specific identity is to be intercepted as set forth above in claim 13, and thus it is clear there are other data packets that are not selected to be intercepted.

Neither 3GPP TS 33.107 nor Oyama explicitly disclose "filter element to filter out".

However, obviously filtered-out packets are the packets, which are not selected to be intercepted. In particular, Temoshenko teaches a filer element (see FIG. 18,19,20,GSN node with intercept_off means) filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to filter out by not intercepting, as taught by Temoshenko in the

combined system of 3GPP TS 33.107 and Oyama, so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 23, the combined system of 3GPP TS 33.107 and Oyama discloses selecting specific media component in the packet with specific identity in a specific communication section is to be intercepted as set forth above in claim 13, and thus it is clear there are other media component in other packets in not belong to the same communication sessions (i.e. belongs to different session) are not selected to be intercepted.

Neither 3GPP TS 33.107 nor Oyama explicitly disclose "filtering out data not to be intercepted".

However, as set forth above filtered-out packets are obviously the packets that are not selected to be intercepted. In particular, Temoshenko teaches filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to filter out by not intercepting, as taught by Temoshenko in the combined system of 3GPP TS 33.107 and Oyama so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 24, the combined system of 3GPP TS 33.107 and Temoshenko discloses wherein the filter element is configured to filter out the data not to be intercepted based on media component as set forth above in claim 22.

Neither 3GPP TS 33.107 nor Temoshenko explicitly disclose "identification or charging identifiers".

However, Oyama discloses media component identification or charging identifiers (see page 7, paragraph 75-79; see page 9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12, paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a charging identifier", as taught by Oyama, in the combined system of 3GPP TS 33.107 and Temoshenko, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 25, 3GPP TS 33.107 discloses the selecting element is included in the apparatus (see FIG. 18, GSN node; see section 7, selection mechanism is included in the GSN node). 3GPP TS 33.107 discloses there are other media component in other packets in not belong to the same communication sessions (i.e. belongs to different session) are not selected to be intercepted.

Neither 3GPP TS 33.107 nor Oyama explicitly disclose "a filter element".

However, as set forth above filtered-out packets are obviously the packets that are not selected to be intercepted. In particular, Temoshenko teaches the filter element included in the apparatus (see FIG. 2, forwarding processor 32 is included in the packet node; see col. 3, line 3-10) filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "filter element", as taught by Temoshenko in the combined

system of 3GPP TS 33.107 and Oyama, so that it would provide effective intercepting of

packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 26, 3GPP TS 33.107 discloses the selecting element comprises a node

separated from the apparatus (see FIG. 18, GSN node comprises GGSN or SGSN nodes per

section 3.2; see section 7, if GGSN is used as intercept node, then selection mechanism is

included in the SGSN node, which is separate from GGSN node). 3GPP TS 33.107 discloses

there are other media component in other packets in not belong to the same communication

sessions (i.e. belongs to different session) are not selected to be intercepted.

Neither 3GPP TS 33.107 nor Oyama explicitly disclose "the filter element".

However, as set forth above filtered-out packets are obviously the packets that are not

selected to be intercepted. In particular, Temoshenko teaches the filter element included in other

node (see FIG. 2, forwarding processor 32 is included in the packet node; see col. 3, line 3-10)

filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not

intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide "filter element", as taught by Temoshenko in the combined

system of 3GPP TS 33.107 and Oyama so that it would provide effective intercepting of packets;

see Temoshenko col. 1, line 60-67.

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to IAN N. MOORE whose telephone number is (571)272-3085.

The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ian N. Moore
Primary Examiner
Art Unit 2416

/Ian N. Moore/
Primary Examiner, Art Unit 2616